

Rhode Island Mercury Advisory Working Group
Minutes from Friday, June 7, 2002
10:00 a.m. - Noon
RI State House, Senate Lounge
Providence, RI

Attendees: See attached sign-in-sheet (s).

Agenda: See attached.

Introductions/Welcome:

- Called to order by Jan H. Reitsma, Director DEM at 10:05 am.
- Introductions.

Opening Remarks - Director Reitsma:

Director Reitsma provided opening remarks to the advisory group:

- Commented that the meeting was scheduled in the State House because of the clear legislative interest in the issue of mercury reduction.
- Thanked Townsend Goddard of the RI Senate Policy Office for helping to arrange today's meeting.
- Commented that a lot of work has already been done through the efforts of Sheila Dormody (of Clean Water Action) and Terry Tierney (of the RI Attorney General's Office) to help implement the intent of last year's mercury education and reduction law.
- Thanked everyone for their patience - admitted that these meeting should have begun prior to now.
- Provided comments on how DEM believes the advisory group should be structured - it should serve in an 'advisory capacity' and should first focus on the need to promulgate needed regulations.
- Highlighted the need to move forward with implementing the 2001 mercury law - especially the adopting of regulations.

(Attendees were then asked if any specific items of interest should be added to today's agenda - no new items were added.)

Presentation by Ron Gagnon and Beverly Migliore, RI DEM:

SEE ATTACHED POWERPOINT PRESENTATION.

Ron Gagnon (of DEM's Office of Technical & Customer Assistance) gave a short presentation on the history and background of RI's 2001 Mercury Reduction and Education Act:

- Background (NEGC/ECP mercury action plan (1998) (regional goals and objectives).
- 2001 Mercury Reduction and Education Act: *Findings, Interstate Clearinghouse, Notification, Restrictions on Sale of Certain Products, Phase-out and Exemptions, Labeling, Disposal Ban, Collection of Products, Disclosure Requirements, Violations, State Review Requirement, Applications to Products regulated by the FDA, Mercury Advisory Working Group, Regulations, Limitations on Elemental Mercury, Publication and Outreach, State Procurement for Low/Non Mercury Added Products.*

Beverly Migliore, also of DEM's Office of Technical & Customer Assistance, provided a short presentation on the Interstate Mercury Education and Reduction Clearinghouse (IMERC) which is currently housed in the Northeast Waste Management Officials' Association (found at www.newmoa.org)

Discussion/Q&A:

Director Reitsma opened up the floor for discussion and questions.

1) Does DEM plan on implementing rules or regulations on 'notification'?

Director Reitsma commented that there were many different ways to decide this. Legally, DEM may not have to promulgate regulations. However, from a customer viewpoint, the agency may want to consider it in the future, possibly as part of the Department's 2003 regulatory agenda. Concerns were raised that without formal regulations, some may view NEWMOA/IMERC functioning as a "semi-government" entity. Director Reitsma appreciated hearing the concerns and commented that this is why everyone is here today - to work through issues like these and move forward with implementing the 2001 mercury act. The issue of providing "clearer guidance" on notification was discussed.

2) What is RI's intention with products that contain trace amounts of mercury?

The Director commented that RI and all industries must first look at the "intent" of the law - which is to "virtually eliminate" mercury from products because of the health impacts of mercury. Discussion ensued about the benefits of mercury - namely its use in "energy efficient" products and the flexibility of the legislation to address such issues.

3) Discussion about RI's relationship with other states that have not yet adopted comprehensive mercury reductions laws:

Some attendees commented that RI's law puts it at odds with the other 49 states which do not have similar mercury laws. Discussion ensued about CT's new mercury law. Director Reitsma added that it cannot be assumed RI will continue to be the only state with such comprehensive reduction and education legislation.

4) Discussion about mercury thermostats (Honeywell) and fluorescent lamps.

- 5) Some members commented that if votes were ever to be taken by the entire advisory group, they would appreciate prior notice so they (or a representative) can be present. Director Reitsma and others agreed.
- 6) *To what extent could or should the dentists be involved in these advisory group discussions?*
Elizabeth Stone (DEM) commented that two (2) different dental representatives were invited to today's meeting - however, neither was able to attend. They will be contacted about the next meeting and provided with copies of all handouts from today's meeting.
- 7) Discussion about RI's mercury thermometer take-back event happening on June 8th at the Dept. of Health in Providence and Resource Recovery in Johnston.
- 8) Discussion about safe levels of mercury in products and the environment.
- 9) Discussion about IMERC - does the state, through IMERC, know how much mercury has been introduced into RI in the last year? An answer was not available.
- 10) Discussion about state procurement of low mercury alternatives. It was agreed that DOA should be contacted directly about the terms of the 2001 act.
- 11) Discussion about 'sub-groups', which might be able to meet more frequently and address more specific issues/topics.
 - Should there be sub-groups? How should they be broken up? It was agreed that working sub-groups would be a good idea. Discussion about the frequency of such sub-group meetings.
 - Terry Tierney (of the RI AG's Office) suggested there should be a sub-group on procurement.
 - Townsend Goddard (of the RI Senate Policy Office) offered to head up a sub-group on possible legislative changes if anyone was interested in this idea.
 - Discussion about the need for sub-groups on issues like mercury in fish and education/outreach activities.
 - Director Reitsma and others indicated that the advisory group should prioritize which issues need to be addressed immediately (e.g. regulations) and which items could be put off until after January 2003.
 - Discussion about the need to clarify the "exemption" process through regulations or a legislative change. Numerous attendees stressed the need to have on-going, open discussions about the exemption process.
- 12) *Discussion about what could be done at the next advisory group meeting (in July).*
 - An outline of needed regulations and draft definitions (e.g. fluorescent lights, novelty items). Possibly a work-plan which lays out the regulatory steps/deadlines between now and December. Aim for draft regulations by October 1, 2002.
- 13) *Discussion on how this process and new regulations may impact automobiles.*
 - Given that the 2001 legislation was changed such that cars would not be impacted, new legislation in 2003 would be needed to minimize mercury pollution from cars.

Date of Next Meeting:

The next meeting was tentatively set for Friday, June 12th (location to be determined). Attendees were asked to forward comments, suggestions, concerns to Ron Gagnon at rgagnon@dem.state.ri.us or 401-222-4700, Ext. 7500.

Meeting minutes and other materials will be forward in coming weeks. All attendees were asked to sign in and provide an email address(s).

Adjournment:

Co-chair Jan Reitsma adjourned the meeting at approximately 11:30 a.m..

Recorded by: **Elizabeth S. Stone**
 RI DEM
